

On August 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages, at Cincinnati, Ohio, alleging that the article had been shipped by the Minnesota Creamery Co., from St. Paul, Minn., on or about July 28, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be, and in that said article contained less than 80 per cent by weight of milk fat, the act of Congress approved March 4, 1923, having prescribed that butter shall contain not less than 80 per cent by weight of milk fat.

On September 2, 1931, the Minnesota Creamery Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18765. Adulteration and misbranding of feed. U. S. v. 100 Sacks of Red Dog Feed, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 26473, 26498, 26771, 26772, 26788. I. S. Nos. 15911, 17351, 19179, 27519, 27640. S. Nos. 4782, 4796, 4881, 4887, 4907.)

Examination of samples of feeds from the shipments herein described showed that the articles were deficient in protein, since they contained less protein than declared on the labels. The label of the Big C hog and cow feed represented that the article was manufactured in North Carolina, whereas it was manufactured in Virginia.

On or about June 9, June 21, July 8, and July 11, 1931, the United States attorney for the Middle District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 182 sacks of Red Dog feed, in part at North Wilkesboro, N. C., and in part at Burlington, N. C., 125 sacks of Blue Ridge feed at Elkin, N. C., and 200 sacks of Big C hog and cow feed at Greensboro, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., from Shenandoah, Va., into the State of North Carolina, between the dates of April 23, 1931 and June 4, 1931, that it remained unsold in the original unbroken packages, and that it was adulterated and misbranded in violation of the food and drugs act as amended. A portion of the Red Dog feed was labeled in part: "100 pounds Net Weight Red Dog Protein 14 per cent * * * Shenandoah Milling Company, Inc., Shenandoah, Va." The remainder of the Red Dog feed was labeled: "Red Dog feed * * * Protein 14.00%." The Blue Ridge feed was labeled in part, "Protein 15.00%," and the Big C hog and cow feed was labeled in part: "Big C Hog and Cow Feed * * * Protein Not less than 15.00% * * * Manufactured by Carolina Flour Mills, Burlington, N. C."

It was alleged in the libels that the articles were adulterated in that substances deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the labels bore statements which were false and misleading and deceived and misled the purchaser as follows: "Protein 14 per cent," "Protein 15 per cent," or "Analysis Protein not less than 15.00 per cent," as the case might be. Misbranding was alleged in the libels filed against 60 sacks of Red Dog feed, 125 sacks of Blue Ridge feed, and 200 sacks of Big C hog and cow feed for the further reason that the articles were food in package form and failed to bear plain and conspicuous statements of the quantity of the contents.

On August 20, 1931, the Shenandoah Milling Co., Shenandoah, Va., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned as follows: That they should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, that the statement of the protein

content appearing on the labels be changed to show the actual percentage of protein contained in the article, and that the statement "Manufactured by Carolina Flour Mills, Burlington, N. C.," be stricken from the labels of the Big C hog and cow feed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18766. Adulteration and misbranding of butter. U. S. v. North American Creameries (Inc.). Plea of guilty. Fine, \$500. (F. & D. No. 25019. I. S. Nos. 08554, 08563, 08566, 011856, 011861.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the North American Creameries (Inc.), a corporation, trading at Paynesville, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about June 11 and July 17, 1929, from the State of Minnesota into the State of Massachusetts, and on or about July 12 and July 19, 1929, from the State of Minnesota into the State of Illinois, of quantities of butter which was misbranded, and a portion of which was adulterated. The article consisted of tub and print butter. A portion of the print butter was labeled in part: (Carton) "Pasteurized Creamery Butter Manufactured by North American Creamery Co., Paynesville, Minn." The remainder of the said print butter was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

It was alleged in the information that the print butter was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding of the said print butter was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, as required by law; whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged in the information with respect to both the print and tub butter for the reason that the article contained less than 80 per cent by weight of milk fat and was offered for sale under the distinctive name of another article, to wit, butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

On April 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300 to be paid to the clerk of the court, and an additional fine of \$200, which was suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18767. Adulteration of celery. U. S. v. 300 Crates of Celery. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26520. I. S. No. 30442. S. No. 4835.)

Examination of samples of celery from the shipment herein described having shown that the article bore a heavy arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 crates of celery at Schenectady, N. Y., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association, Avon Park, Fla., on or about June 9, 1931, and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

On August 6, 1931, the shipper and consignee, being the owners and only interested parties in the proceedings, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*